

WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT

2015-2017 MOA

ELEMENT 5 - NARRATIVE

SECTION 504 OF THE REHABILITATION ACT OF 1973

The Division of Employment and training (DET), Workforce Development Area, Boards (WDB) and their sub-grantees comply with section 504 of the Rehabilitation Act of 1973, as amended (Section 504), 29 C.F.R. § Part 37 (29 CFR 37.54(d)(2)(v)) and 29 C.F.R § Part 32., Subparts B and C in the following manner:

All WDB contracts include nondiscrimination and equal opportunity assurance language obligating the WDB to and comply with all applicable civil rights laws, rules and regulations. 29 C.F.R. Part 37.54 (d) (2) (v)), 29 C.F.R § Part 32 and Subparts B through C must be adhered to when carrying out the terms and conditions of the grant. All contract provisions applicable to nondiscrimination and equal opportunity apply equally to WDB's sub-grantees.

Additional provisions are included the assurances and certifications sections of the DET Workforce Investment Act (WIA) Policy Manual Guide issued on August 2012 (DETW-17244-P) to assist WDBs and their sub-grantees to carry out programs, services and activities in an equal opportunity and nondiscrimination basis. The assurances and certifications obligations are addressed in Chapter 7 Section B- Page 1 – 3, see Exhibit 5-A. The WIA DET Policy Manual Guide is accessible at: http://dwd.wisconsin.gov/dwd/publications/dws/pdf/detw_17244_p.pdf All WIA funded entities must agree to obey by this requirements as condition of award.

DETs Equal Opportunity Officer reviews and confirms WDBs and other grantees compliance at the time on-site monitoring site visits are conduct. On-site monitoring guides require a comprehensive assessment of compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) as well as Title II of the American with Disability Act of 1990, as amended (ADA). Element 5 of the Department of Workforce Development (DWD), DET WIA Civil Rights Compliance (CRC) and Equal Opportunity Nondiscrimination Monitoring Review Guide DETS-16607T (R. 10/2/2009) provide WDBs and other grantees with a checklist used when the DET EO Program Officer conducts on-site monitoring review. Local EO officer may use the monitoring review guide when conducting on-site monitoring reviews of their sub-grantees. The CRC and Equal Opportunity Nondiscrimination Monitoring Review Guide for WIA and Other State or Federally Funded Programs for 2009 – 2010, was previously conveyed through DET Administrators Memo Series Action 11-03. The memo is provided as Exhibit 5-B and can be access at: <http://dwd.wisconsin.gov/det/adminmemos/pdf/2011/1103.pdf>.

The CRC, Equal Opportunity Nondiscrimination Monitoring Review Guide 2009 – 2010, was transmitted as an attachment as part of the Administrative Memo 11-03, see Exhibit 5-C. The Monitoring Review Guide remains relevant to date; however, may be updated by the DET WIA EO Program Officer prior to scheduling and conducting on-site reviews of WDBs during the 2015 to 2017 MOA period.

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The program and physical accessibility requirements pursuant to Section 504 and the ADA are addressed in Element 5 of the DET WIA CRC and Equal Opportunity Monitoring Review Guide, pages 14 -18. The WIA EO Program Officer confirms the degree of compliance with these standards at the time on-site monitoring reviews are conducted of WDBs. Element 5 of the CRC Nondiscrimination Monitoring Review Guide is provided as Exhibit 5-C and found electronically at:
http://dwd.wisconsin.gov/det/adminmemos/pdf/2011/1103_attach.pdf.

Previous accessibility surveys and assessments conducted by DET during 2008–2009 of on-site reviews referenced the “disability navigators”. Navigators were previously assigned to Job Centers. Navigators were discontinued in a number of Local Workforce Areas when federal funding was eliminated. Subsequently, DET was able to obtain funding under a grant from the Employment and Training Administration (ETA) under the auspices of the Disability Employment Initiative (DEI). As a result of this grant, DET conducted extensive reviews of the Physical and Program Accessibility of the Service Delivery Areas (Job Centers) to assess compliance with Section 504 and Section 188 of the Workforce Investment Act (WIA).

DET secured a grant for \$2,550,695 from the United States Department of Labor (DOL) ETA on September 30, 2011. Administration of the grant initially covered the period from September 30, 2011 through September 30, 2014. This grant has now been extended through March 31, 2015. An abstract and scope of the grant is provided as Exhibit 5-D. This grant has allowed DET to continue improving accessibility in six local workforce development areas aim at serving adults with disabilities and strengthening services for ex-offenders; recipients of the Temporary Assistance for Needy Families (TANF); Native Americans and disabled veterans. Disability Resource Coordinators (DRCs), Case Managers (CMs) and other Job Center staffs have been trained on case management services focused on people with disabilities with the aim of increasing participation of eligible disable customers to enroll in occupational skills training leading to occupational certificates or diplomas. Other outcomes we aim to increase included the development and sustainability of local integrated resource teams and strengthening local collaboration among key partners leading to greater asset development.

The grant required DET to conduct an extensive review of the Physical and Program Accessibility of the Service Delivery Areas (Job Centers) to assess compliance with Section 504 and Section 188 of the Workforce Investment Act (WIA). On September 18, 2012 DET issued an Administrator’s Memo 12-06 entitled “Workforce Investment Act, Physical, Programmatic and Communication Accessibility Requirements”, see Exhibit 5-E. Administrative Memo 12-06 can be access electronically at: <http://dwd.wisconsin.gov/det/adminmemos/pdf/2009/0904.pdf>. WIA Section 188 Disability Checklist was issued as an attachment for funded WDB to utilize in conducting their comprehensive program and physical accessibility assessments. WIA Section 188 Disability Checklist is included as Exhibit 5-F and accessible electronically at: <http://www.dol.gov/oasam/programs/crc/section188.htm>.

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On-site monitoring visits were conducted by the EO Officer to each WDBs funded to review and confirm the results of each Section 188 Disability Assessment completed by the six funded WDBs. An example of a summary of findings and tentative responses to the Section 188 Disability Assessment and on-site monitoring visit is provided as Exhibit 5-G. Additional surveys will be conducted of all On-Stop Centers in the next few months to determine the need to update and improve our technological accessibility to persons with different type of disabilities seeking employment and/or training. These efforts will implemented in collaboration with the DEI High Risk Program Coordinator administering the DEI Project and the Bureau of Job Service.

The Department's Office Affirmative Action/Equal Opportunity (AA/EO) under the direction of Ms. Amanda Jorgenson, within the Bureau of Human Resources is responsible for ensuring that AA/EO principles and practices are adhered to in all personnel transactions and terms and conditions of employment including reviewing requests and approving employees reasonable accommodations in Department of Workforce Development (DWD).

DETs federally funded recipients and sub-grantees are obligated to comply with all civil rights laws, rules, and regulations applicable to applicants, participants, their employees. Assurance of compliance language is included in contracts, grant agreements, and memorandums of understanding. Additional guidance is provided through the DET WIA Policy Manual issued on August 2012 (DETW-17244-P). Chapter 7- Page 1 – 3, specify the compliance statements, nondiscrimination and equal opportunity requirements, that WDBs and sub-grantees must adhere to as a condition for accepting federal assistance. The DET WIA Policy Manual Guide is provided at: http://dwd.wisconsin.gov/dwd/publications/dws/pdf/detw_17244_p.pdf

The CRC and Equal Opportunity Nondiscrimination Monitoring Review Guide issued during 2009 – 2010, provide the specific standards WDBs and their sub-grantees must meet. See Exhibit 5-C, Element 5. The Checklist in Element 5 is used by the WIA EO Program Officer to assess the level of compliance with disability laws, and provisions of disability accommodations provided to applicants, participants and employees of WDBs and sub-grantees. Furthermore, WDBs and their sub-grantees are encouraged to also utilize the Wisconsin Department of Health Services (DHS), Department of Children and Families (DCF), and DWD interagency Civil Rights Compliance (CRC) Requirements for Federally funded Recipients and Sub-recipients recently issued to all funded entities of the three State agencies. The requirements apply to all federally funded entities and are in effect for the funding period of January 1, 2014 to December 31, 2017. The CRC requirements are compliant with U.S. Department of Health and Human Services (HHS), and U.S. Department of Agriculture (USDA) and Department of Labor (DOL) nondiscrimination and equal opportunity statutes. Entities covered by these requirements include counties, municipalities, school districts, universities, profit and non-profit entities, and other vendors. The CRC requirements provide templates, self-

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assessment tools, checklists, as well as equal opportunity public notice statements entities can use to meet and comply with Federal and State employment and service delivery civil right laws. The interagency CRC requirements are available electronically at: <http://www.dhs.wisconsin.gov/civilrights/CRC/requirements.htm>

DET assures compliance with regulations at 29 C.F.R. Part § 37.8, by including assurance and certification language in contracts, grant agreements and/or memorandums of understanding obligating WDBs and their sub-grantees to compliance with Federal and State civil rights laws. Additional clarity is provided through the DET WIA Policy Manuals Guide and CRC Equal Opportunity Nondiscrimination Monitoring Review Guide that describe program, service and physical accessibility requirements that must be provided to program applicants, participants and employees. WDBs and their sub-grantees are required to conduct annual self-assessment of their programs, services and methods of providing accommodations to customers, employees and to make reasonable modifications as necessary to comply. WDBs and their sub-grantees are obligated to perform these functions as a condition of their award.

WDBs and their sub-grantees are provided guidance through contract assurance language, policies manuals, and monitoring instruments and other resources to assist them in complying with 29 C.F.R. Part § 32.28. WDBs and their sub-grantees are encourage to utilize the CRC requirements issued by DHS, DCF and DWD to assist them in developing and implementing effective civil right programs for their agencies. See DHS, DCF and DWD CRC Instructions and Templates at: <http://www.dhs.wisconsin.gov/civilrights/CRC/requirements.htm>

DET assures compliance with 29 C.F.R. Part § 32.27 through assurances and certification language included in contracts, grant agreements, and memorandums of understanding as a condition to receiving WIA funds. Additional guidance is provided through DET WIA Policy Manual Guide, Administrators Memos and monitoring instruments issued to assist WDBs and their sub-grantees to comply. DET previously issued WIA Section 188 Disability Checklist to WDBs to communicate the DETs commitment to ensuring compliance with the physical, programmatic and communication accessibility requirements established in the non-discrimination regulations of Section 188. DET encourages the use of other instruments such as the Wisconsin Program and Service Access Self-Assessment Checklist provided as Exhibit 5-H for all federally funded entities to use when conducting their own self-assessments. The Wisconsin Program and Services Access Self-Assessment Check list is available electronically at: [Appendix L: The Wisconsin Programs and Services Access Self-Assessment Checklist](#). Furthermore, technical assistance is provided upon request to any WIA funded recipients or sub-grantees by the WIA EO Program Officer as needed.

Compliance with programmatic accessibility requirements is verified at the time on-site monitoring visits are conducted. WDB must assure the compliance of their sub-grantees by conducting annual monitoring site-visits.

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The Department's Office Affirmative Action/Equal Opportunity (AA/EO) under the direction of Ms. Amanda Jorgenson, functioning within the Bureau of Human Resources, is responsible for ensuring AA/EO principles and practices are carried out. DWD and DET adhere to all AA/EO personnel transactions and terms and conditions of employment. These include evaluating job qualifications, pre-employment/ employment medical inquiries do not violate Section 504, ADA of 1990.

The DET AA/EO Officer is responsible for assuring adherence to these requirements within the Division. The WIA Program EO Officer is responsible assuring program compliance of funded recipients through on-site monitoring visits. Local EO Officers designated by WDBs are responsible for ensuring WDBs and WIA On-Stop Centers and other funded sub-grantees meet the employment requirements of Section 504, ADA and Wisconsin Fair Employment Law (WFEL) are complied with. EO Officers at each level function, review and/ or take corrective actions as necessary in accordance to 29 C.F.R. Part § 32.14, 29 C.F.R. Part § 32.15, 29 C.F.R. Part § 32.15, and 29 C.F.R. Part § 37.7(d).

DWD, DET, and all funded recipients are required to provide public notices, and display appropriate international symbols to notified persons with disabilities of accessible services and how to access these services. Forms and other publications are required to include a statement that identifies the appropriate entity's name or Department such as: "DWD is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact" the individual division with the appropriate telephone and TTY number provided. DET uses the following EO statements: "DWD is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact" each individual bureau's telephone and TTY number is provided to comply with 29 C.F.R. Part § 37.9.